EEOC Issues Proposed Rule on Wellness Programs

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On April 20, the United States Equal Employment Opportunity Commission published a Notice of Proposed Rulemaking addressing how the Americans with Disabilities Act will apply to employer wellness programs. While the ADA places strict limits on an employer's ability to request medical information from employees, it does permit employers to make inquiries to employees about their health and to require employees to undergo medical examinations as part of a voluntary wellness program. The proposed rule would clarify employers' obligations in implementing a wellness program in compliance with the ADA. Among other things, the proposed rule provides guidance on what types of wellness programs would be considered "voluntary," how large an incentive employers may offer to entice employees to participate in a wellness program, and what safeguards an employer must have in place to ensure the confidentiality of medical information that employees may provide in connection with a wellness program.

Client Tip: *The EEOC is accepting comments on the proposed rule until June 19, 2015, after which the EEOC may revised the proposed rule and publish a final rule. Institutions should continue to monitor the progress of the proposed rule and should prepare to adjust their wellness programs if necessary.*

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